



MEMORAMUM

City of Beaverton

Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: July 11, 2013
Subject: *Notice of Decision for Allen Estates Townhomes
by Habitat for Humanity*

Please find attached the notices of decision for **DR2013-0043 (Allen Estates Townhomes by Habitat for Humanity)**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for **DR2013-0043 (Allen Estates Townhomes by Habitat for Humanity)** is **5:00 p.m., Tuesday, July 23, 2013**. The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community Development Department, 2nd Floor, City Hall, 4755 SW Griffith Drive between 7:30 a.m. and 5:00 p.m., Monday through Friday, except holidays. For more information, please contact Scott Whyte, Senior Planner at (503) 526-2625.

NOTICE OF DIRECTOR'S DECISION

DATE: July 11, 2013

TO: All Interested Parties

FROM: Scott Whyte, Senior Planner *SW*

PROPOSAL: **Allen Estates Townhomes by Habitat for Humanity – Design Review 2, Case File No. DR2013-0043**

LOCATION: SW Sabin Street, between SW 123rd Avenue and SW 124th Avenue. Specifically Tax Lots 5700 to 8400 on Washington County Tax Assessor's Map 1S1-22BB.

SUMMARY: Design Review Two application to construct 24 townhome units within the recorded subdivision of Allen Estates. No change is proposed to the number of recorded lots or to lot configuration. However, certain architectural changes are proposed to previously approved townhouse plan for Allen Estates (Case File DR2005-0109). The Habitat for Humanity proposal will maintain the same maximum building height as originally approved, at 40 feet with proposed buildings to be either two or three stories. Proposed design modifications generally include: building material elements, landscaping, and light fixtures. No modifications are proposed to the current street location (SW Sabin Street) or to utility connections and driveways where currently constructed or approved to be located. Lots 5 and 21 of the subdivision are intended for private open space. The applicant identifies a phasing plan where six proposed townhouse buildings would be constructed over a time period of up to and including five years.

APPLICANT/
PROPERTY OWNER: Willamette West Habitat for Humanity
5293 NE Elam Young Parkway, Suite 140
Hillsboro, OR 97124

APPLICANT
REPRESENTATIVE: SFA Design Group
9020 SW Washington Square Drive, Suite 505
Portland, OR 97223

DECISION: **APPROVAL of DR2013-0043 (Allen Estates Townhomes by Habitat for Humanity)** subject to conditions identified at the end of this report.

BACKGROUND FACTS

Key Application Dates

<u>Application Case File #</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>Final Written Decision Date- 120-day</u>	<u>240-Day</u>
DR2013-0043	April 24, 2013	May 30, 2013	Sept. 25, 2013	January 2, 2014

Existing Conditions Table

Zoning	R-1 Urban High Density	
Current Development	Fully improved subdivision, consistent with approved recorded plat for Allen Estates. No Building Permits for townhome construction have been issued.	
Site Size	Approximately 52,000 square feet	
NAC	Vose	
Surrounding Uses	<u>Zoning:</u> North: R-1 South: R-2 East: R-7 West: R-2	<u>Uses:</u> North: Attached Residential South: Single Family detached East: Single Family detached West: Single Family detached

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

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**Attachment A: Facilities Review Committee Technical Review
and Recommendation
Design Review 2 Approval Criteria / Findings**

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Attachment B: Conditions of Approval

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Public Comments:

1. Letter received from Henry Kane, resident of 12077 SW Camden Lane dated May 22, 2013
2. Letter received from Henry Kane, resident of 12077 SW Camden Lane dated June 25, 2013
3. Letter received from Henry Kane, resident of 12077 SW Camden Lane dated July 3, 2013
4. Letter received from Henry Kane, resident of 12077 SW Camden Lane dated July 5, 2013

**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
Allen Estates Townhomes by Habitat for Humanity
DR2013-0043**

Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

The Facilities Review Committee Criteria for Approval (40.03 – A through L) will be reviewed for all criteria that are applicable to the submitted application as identified below:

Design Review application DR2013-0043 - Allen Estates Townhomes by Habitat for Humanity.

- A. All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.***

Facts and Findings: Chapter 90 of the Development Code defines "critical facilities" as services that include public water, public sanitary sewer, storm water drainage, treatment and detention, transportation and fire protection. In this case, all necessary critical facilities and services to the Allen Estates Subdivision are in place. Criterion A has been evaluated in review of the Allen Estates Subdivision (City Case File LD2005-0044 – Preliminary Subdivision). No physical changes to the Allen Estates Subdivision are proposed. The applicant's proposal has been reviewed by the City Engineer. No concerns were identified with respect to the adequacy of water, sanitary sewer or other facilities intended to serve the use.

The applicant's response to the Facilities Review approval criteria is found on page 20 of the applicant's materials package, in the document titled "Willamette West Habitat for Humanity Allen Estates 26 Lot Townhome Subdivision - 24 Attached Units Modification of Prior Approvals dated April 22, 2013, Revised May 16, 2013." The applicant's response to the Facilities Review approval criteria is incorporated hereto as findings in support thereof.

Therefore, the Committee finds the proposal meets the criterion for approval

- B. Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five (5) years of occupancy.**

Facts and Findings: Chapter 90 of the Development Code defines "essential facilities" to be services that include schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities in the public right-of-way. In this case, all pedestrian sidewalk improvements (identified as part of the approved and issued Site Development Permit for Allen Estates) have been constructed consistent with the approved plan. Pedestrian sidewalk improvements to the street frontages of respective lots are to be completed with townhome construction. Criterion B has been evaluated in review of the Allen Estates Subdivision (LD2005-0044). As previously stated, all necessary critical facilities and services to the Allen Estates Subdivision are in place.

Therefore, the Committee finds the proposal meets the criterion for approval

- C. The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses).**

Facts and Finding: Staff cites the findings in the Code Conformance Analysis chart at the end of the report, which evaluates the project as it relates to applicable Code requirements of Chapter 20 for the Urban High Density (R-1) zone, in response to Criterion C. Staff also incorporates Table 3 of the applicant's document (referenced above in response to Criterion A) as findings in support of Criterion C. Table 3 (page 12) identifies the building setbacks proposed for each lot. Table 3 also identifies applicable development standards of the City R-1 zone, including building setbacks. Table 3 provides a footnote reference to a past Adjustment application approved by the City for Allen Estates. 26 lots were subsequently recorded to the lot size and configurations as approved through this Adjustment.

Table 3 also contains a footnote referring to a past Flexible Setback approval allowing for zero side-yard setbacks. The footnote also refers to a condition of Flexible Setback approval requiring a 4-5 foot maintenance easement over the adjacent lots. The footnote also explains how the current proposal by Habitat for Humanity maintains the previously approved flexible setbacks.

In response to the minimum density standards as contain in Section 20.20.05 of Chapter 20, staff incorporates Table 2 of the applicant's document (referenced above in response to Criterion A) as findings in support of Criterion C. Table 2 (on page 8) identifies the combined

area of two lots (5 and 21) that will be converted to open space. Under the Habitat proposal, the total number of units to be constructed within Allen Estates will be 24. On page 8 of the narrative, the applicant also refers to an "Optional Site Plan" for 26 units. The Optional Site Plan is identified as "Sheet AS1a" to the applicant's plan set. According to the applicant, an optional site plan has been provided showing how the additional units could be built, utilizing Lots 5 and 21 (page 8).

The applicant also explains how a plat revision is not necessary in creating private open space tracts. Staff agrees with the applicant's statement as contained in page 10, specifically "...the City's Development Code and statutes governing planned communities do not expressly require that such open space "common area tracts" be designated as such on the plat." In the subject case, the applicant explains (on page 9) how Lots 5 and 21 will be converted to "Common Open Space Tracts" by transferring title to Homeowner's Association (HOA) and how this will be administered through Covenants, Conditions and Restrictions (CC&Rs) as revised for the Habitat proposal. Staff supports this proposal. Staff also finds that the Habitat proposal would not preclude the ability to convert Lots 5 and 21 from open space to buildable lots in the future if sought.

Staff recommends a condition of approval where the revised CC&R document is to assign ownership and maintenance responsibility of the open space lots to the HOA. The document is also to be reviewed and approved by City Attorney prior to recording and prior to the City issuing building permits to allow townhome construction.

Additionally, staff recommends certain conditions of past Design Review and Tree Plan approval for Allen Estates in 2005 be included in a new land use approval. Order No. 1884 for Design Review (Case File DR2005-0109) identified two conditions (22 and 23) that refer to CC&R and a "Fee Simple" Rowhouse project. Staff finds these conditions to remain applicable and should transfer to the Habitat construction plan accordingly.

Therefore, with the condition requiring a revised Declaration of Covenants, Conditions document and the inclusion of selected prior conditions of approval, the Committee finds the proposal meets the criterion for approval.

D. The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Requirements), are provided or can be provided in rough proportion to the identified impact(s) of the proposed development.

Facts and Findings: As previously stated, all necessary critical facilities and services to the Allen Estates Subdivision are in place. Applicable provisions under Chapter 60 include the off-street parking standards as contained in Section 60.30.10.5.A (Off-Street Parking numbers). The proposal includes 47 parking stalls, where a minimum of 41 are required per Development Code standards. The applicant's site plan shows how two spaces will be provided on each lot with the exception of Lot 1 where the Habitat proposal identifies a single bedroom unit and one off-street parking space. In this case, for attached dwellings, the minimum parking

requirement for one-bedroom unit is 1.25 space per unit. In the subject case, because Lot 1 is a legal lot of record, the codified method for calculating minimum parking (60.30.10.5) recognizes rounding-up or rounding-down to the nearest whole number. Where Lot 1 is intended for a one bedroom unit, only one off-street parking space is required. Staff recommends a condition approval where the approved floor plan for Lot 1 is to be limited to one bedroom.

In response to D above, staff finds the proposal consistent with applicable provisions of Chapter 60. Staff also cites additional findings in the Code Conformance Analysis chart at the end of the report, which evaluates the project as it relates to applicable Code requirements of Chapter 60. As previously stated, staff recommends certain conditions of past Design Review and Tree Plan approval for Allen Estates in 2005. The past Tree Plan approval for Allen Estates (TP2005-0023) contained several conditions related to tree protection. These conditions continue to apply to the Habitat construction proposal.

Therefore, the Committee finds the proposal meets the criterion for approval.

- E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas, and other facilities not subject to maintenance by the City or other public agency.***

Facts and Findings: As previously stated herein, on page 10 of applicant's narrative, identified in response to Criterion C above, the applicant identifies the HOA and a revised CC&R document to be created. The CC&R document is to specify maintenance obligations of the Association and individual property owners. As explained on Page 9 of the applicant's narrative, the two open space areas created by the Habitat proposal will be owned and maintained by the HOA.

In review of the proposal, the Committee finds that the proposal does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site.

Therefore, with the condition requiring a revised Declaration of Covenants, Conditions document, the Committee finds the proposal meets the criterion for approval.

- F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.***

Facts and Findings: As previously stated, all critical facilities and services to the Allen Estates subdivision are in place. No modifications are proposed to the current street location (SW Sabin Street) or to utility connections and driveway where currently constructed or approved to be located.

Therefore, the Committee finds that the criterion is not applicable.

G. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.

Facts and Findings: As previously stated, all critical facilities and services to the Allen Estates subdivision are in place. There is no proposal to change on-site or surrounding vehicular and pedestrian circulation systems.

Therefore, the Committee finds that the criterion is not applicable.

H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.

Facts and Findings: Where H refers to structures, the applicant will be required to obtain building permits through the City. Staff also received a letter from Tualatin Valley Fire & Rescue (TVF&R) in review of the Habitat proposal (dated June 12, 2013). The letter by TVF&R identifies certain items typically required in review of a preliminary subdivision proposal. As previously stated, all critical facilities and services to the Allen Estates subdivision are in place. This would include "No Parking" signs that staff has confirmed to be in place, as required. Hydrants serving the subdivision are in place. There are no outstanding maintenance or performance obligations for Allen Estates. Staff incorporates a recommended condition by TVF&R for fire-flow testing (item #5 of the letter).

Therefore, with the condition requiring building permits through the City and fire-flow testing, the Committee finds the proposal meets the criterion for approval.

I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.

Facts and Findings: As previously stated, the site is fully developed with exception to townhome construction. Staff also cites the findings above in response to H.

Therefore, with the condition requiring a building permit, the Committee finds the proposal meets the criterion for approval.

J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

Facts and Findings: The proposal does not modify physical improvements of the subdivision. No changes are proposed to the existing finished grade. Therefore, this criterion is not applicable.

Therefore, the Committee finds that the criterion is not applicable.

K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.

Facts and Findings: As previously stated, all necessary critical facilities and services to the Allen Estates subdivision are in place. The scope of this proposal is limited to the construction of residential townhome units.

Therefore, the Committee finds the proposal meets the criterion for approval.

L. The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code.

Facts and Findings: In the review of the materials submitted to date, the Committee finds that all application submittal requirements are provided.

Therefore, the Committee finds the proposal meets the criterion for approval

Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
Urban High Density (R-1) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Sections 20.20.20			
Permitted Use	Attached Residential	24 units, two open space areas.	Yes
Development Code Section 20.20.15			
Minimum Lot Area	1,000 square feet	Not applicable, no new lots proposed	N/A
Minimum Lot Dimensions	For width 14 or 20 feet. None for Depth	Not applicable, no new lots proposed	N/A
Yard Setbacks Minimums: Front Sides Rear	Front is 18.5-feet for garage-facing street, Side yard is 0, 5 or 10 feet; Rear is 15-feet.	Staff refers to Table 3 of the applicant's narrative, and pages 17 and 18 that respond to the R-1 site development standards, together with past land use approval. The front yard (garage-facing street) will be 20-feet for all units. The rear yard will be 15-feet for all units.	Yes
Maximum Building Height	60 feet (without an adjustment or variance)	Original approval allowed for 40-foot building height and three stories. The Habitat proposal will maintain the same height of 40-feet.	Yes

Chapter 60 – Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.30.10.5 Off-Street Parking			
Off-Street Parking	For attached dwellings: 1.25 for one bed, 1.5 for two bed and 1.75 for three bed	All but one lot (Lot 1) will have two off-street parking spaces.	Yes
Off-Street Bicycle Parking	Short term is 2 spaces or 1 space per 20 dwellings. Long term is one space for dwelling	Bicycle rack (2 short term) has been constructed on-site. For long term, bicycle parking standard will be satisfied with storage space provided within each dwelling.	Yes
Development Code Section 60.55 Transportation			
Transportation Facilities	Evaluated as part of the Allen Estates Subdivision	Habitat proposal has 24 units as opposed to the approved Allen Estates proposal at 26 units.	N/A
Development Code Section 60.60 Trees & Vegetation			
Tree & Vegetation Regulations	Preservation for "protected" trees	Retain existing trees identified to be protected during construction	Yes
Mitigation Requirements for Landscape Tree Removal	1:1 mitigation required based on DBH removed.	Not part of proposal	N/A
Development Code Section 60.65 Utility Undergrounding			
Utility Undergrounding	All existing utilities and any new utility service lines must be undergrounded.	Not part of proposal. All required utilities are in place and underground.	N/A

ANALYSIS AND FINDINGS FOR DESIGN REVIEW TWO APPROVAL

Section 40.20.05. Design Review Applications; Purpose

The purpose of Design Review is to promote Beaverton's commitment to the community's appearance, quality pedestrian environment, and aesthetic quality. It is intended that monotonous, drab, unsightly, dreary and inharmonious development will be discouraged. Design Review is also intended to conserve the City's natural amenities and visual character by insuring that proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development.

To achieve this purpose, the Design Review process is divided into two major components; Design Standards and Design Guidelines. Both standards and guidelines implement Design Principles, which are more general statements that guide development of the built environment. The Design Standards are intended to provide a "safe harbor" approach to designing a project. Depending on the design thresholds, designing a project to the standards would result in an administrative review process. However, the applicant may elect to bypass design review under the Design Standards and go straight to Design Review under the Design Guidelines, at the applicant's option.

An applicant for Design Review approval can address design review requirements through a combination of satisfying certain Design Standards, and in instances where it elects not to utilize Design Standards, satisfy applicable Design Guidelines. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable Design Guidelines only.

Because the Design Standards are a "safe harbor", there is no penalty for not meeting the Design Standards. Rather, the public hearing process would be required to consider the project by relying solely on the Design Guidelines. The Design Guidelines are intended to maintain as much flexibility and originality as desired. The project proponent will simply be required to demonstrate how the project meets the Design Principles and Design Guidelines at a public hearing. The decision making authority must make findings how the guidelines are met or if they apply to the proposal.

The purpose of Design Review as summarized in this Section is carried out by the approval criteria listed herein.

Section 40.20.15.2.C Approval Criteria

In order to approve a Design Review Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. *The proposal satisfies the threshold requirements for a Design Review Two application.***

Facts and Findings: Section 40.20.15.2.A Threshold: An application for Design Review Type Two shall be required when the following thresholds apply:

3. *"New construction of attached residential dwellings excluding duplexes, in any zone where attached dwellings are a permitted or conditional use."*

The applicant proposes new attached residential buildings in the subject property which is zoned R-1 Urban High Density. Attached dwellings are a permitted use in the R-1 zone. The proposal meets the threshold requirement for a Design Review Two application. Additionally, staff notes that the applicant's proposal does not amend prior conditions of Planning Commission approval and therefore provisions as contained in Section 50.95 (Modification of a Decision) do not apply.

Therefore, staff finds that the proposal meets the criterion for approval.

- 2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

Facts and Findings: The applicant paid the required fees for the Design Review Type 2 application.

Therefore, staff finds that the proposal meets the criterion for approval.

- 3. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

Facts and Findings: The applicant submitted the application on April 24, 2013 and was deemed complete on May 30, 2013. In the review of the materials during the application review, staff finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

Therefore, staff finds that the proposal meets the criterion for approval.

4. *The proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).*

Facts and Findings: Staff cites the Design Review Standards Analysis (table hereto) which evaluates the proposal's compliance with Design Review Standards. As demonstrated on the table, the proposal complies, or through conditions of approval, can be made to comply with all applicable Design Standards. Staff further incorporates the applicant's written response to applicable Design Standards as provided in the document titled *Willamette West Habitat for Humanity – Allen Estates 26 Lot Townhome Subdivision 24 Attached Units – Modification of Prior Approvals (Revised - May 16, 2013 for Completeness)* as facts and findings in response to Criterion No. 4. Pages 29 through 39 of this document identify and respond to applicable Design Standards.

Staff recommends certain conditions of approval that would bring the proposal into compliance with all applicable Design Standards. These conditions are limited to requiring a trash enclosure (modification) to the screening proposal shown for Lot 1, and the finishing of street sidewalks as required in front of each unit.

FINDING: Therefore, staff finds that by meeting the conditions of approval, the proposal meets the criterion for approval.

5. *For additions to or modification of existing development, the proposal is consistent with all applicable provision of Sections 60.05.15 through 60.05.30 (Design Standards) or can demonstrate that the additions or modifications are moving towards compliance of specific Design Standards if any of the following conditions exist:*

- a. *A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable standard; or***
- b. *The location of existing structural improvements prevent the full implementation of the applicable standard; or***
- c. *The location of the existing structure to be modified is more than 300 feet from a public street.***
- d. *If in a Multiple-Use District, building location, entrances and orientation along streets, and parking lot limitation along streets (Standards 60.05.15.6 and 60.05.20.8).***
- e. *If in a Multiple-Use or Commercial District, ground floor elevation window requirements (Standard 60.05.15.8).***

Facts and Findings: The scope of the project proposal is limited to the construction of new attached residential buildings along with associated parking, landscaping, and lighting. As previously stated, no modifications are proposed to the current street location (SW Sabin Street) or to utility connections and driveways where currently constructed or approved to be

located. Allen Estates is a fully improvement subdivision. Final improvements (e.g. sidewalk construction) are carried out upon completion of building construction. Where Criterion No. 5 refers to modifications of existing development, staff notes that certain architectural changes are proposed to the previously approved townhouse plan for Allen Estates (Case File DR2005-0109). As previous stated, the proposal complies with all applicable Design Standards, as conditioned hereto.

Staff refers to the Design Review Standards Analysis (table) hereto and incorporates the applicant's written response to applicable Design Standards as contained in the document referred to under Criterion No. 4 as facts and findings in response to Criterion No. 5.

In addition to architectural changes as proposed, other design modifications include minor changes to the approved landscape plan and the approved lighting plan (different fixtures attached to buildings). These changes conform to applicable Design Standards as contained in Sections 60.05.15. through 60.05.30. The Allen Estates proposal by Habitat for Humanity will maintain the same maximum building height as originally approved, at 40 feet with proposed buildings to be either two or three stories. Lots 5 and 21 of the subdivision are intended for private open space and will be landscaped consistent with applicable design standards.

FINDING: Therefore, staff finds that by meeting the conditions of approval, the proposal meets the criterion for approval.

6. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

Facts and Findings:

The applicant has submitted this Design Review application. No other applications are required of the applicant for this stage of City approval. Building Permits through the City will be necessary prior to townhome construction.

FINDING: Therefore, staff finds the proposal meets the criterion for approval.

**Section 60.05 Design Review
Standards and Guidelines Analysis**

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD	DESIGN GUIDELINE	MEETS GUIDELINE
Section 60.05.15 Building Design and Orientation				
Building Articulation and Variety				
60.05.15.1.A	Standard calls for attached residential buildings in residential zones to be limited in length - to 200 feet. Staff notes that Allen Estates lots were approved to a size and configuration intended for attached residential. No change is proposed to existing lot size or configuration.	N/A However, staff notes that by breaking the building length as originally approved (e.g. Lots 5 and 21 become open space) the proposal by Habitat for Humanity complies.	60.05.35.1.A	N/A
60.05.15.1.B	As demonstrated on the applicant's Architectural Elevations, each building elevation exceeds the 30% requirement for architectural articulation. Plan will utilize vinyl, glass and wood. Applicant identifies other features in narrative (page 33)	Yes. B calls for features, not limited to windows, recessed entrances and change in material type at minimum of 25 sq. ft.	60.05.35.1.B-G	N/A
60.05.15.1.C	As demonstrated on the applicant's Architectural Elevations, all six buildings surpass the 40 foot spacing requirement for architectural articulation.	Yes, standard calls for 40-feet of spacing between features.	60.05.35.1.F&G	N/A
60.05.15.1.D	As demonstrated on the applicant's Architectural Elevations, all six buildings show articulation.	Yes, standard guards against undifferentiated blank walls greater than 150 sq. ft.	60.05.35.1.	N/A

Standards continued...				
Roof Forms				
60.05.15.2.A	Sloped roofs are proposed and will exceed the minimum 4/12 pitch requirement, according to the applicant's narrative.	Yes	60.05.35.2.A	N/A
60.05.15.2.B	The applicant's narrative states that all buildings will have eaves extending at least 12 inches per standard.	Yes	60.05.35.2.A	N/A
60.05.15.2.C	No flat roofs are proposed.	N/A	60.05.35.2.B	N/A
60.05.15.2.D	No additions proposed.	N/A	60.05.35.2.C	N/A
60.05.15.2.E	No feature roofs are proposed.	N/A	NONE	N/A

Primary Building Entrances				
60.05.15.3	The narrative states that each unit has a covered or recessed entrance with at least a 4' x 6' covered porch to meet the standard.	Yes	60.05.35.3.A&B	N/A
Exterior Building Materials				
60.05.15.4.A	Plans identify materials. Applicant's narrative states exterior walls facing street will be double-wall construction to comply with the standard.	Yes	60.05.35.4.B	N/A
Roof-Mounted Equipment				
60.05.15.5.A,B	The applicant does not propose roof-mounted equipment.	N/A	60.05.35.5	N/A
Building Location and Orientation along Streets in Multiple Use and Com. Districts				
60.05.15.6.A,D, E & F	The subject property is not situated along a Major Pedestrian Route (MPR).	N/A	60.05.35.6.A	N/A
60.05.15.6.B&C	Buildings are not located in a commercial zone.	N/A	60.05.35.6.A&B	N/A

Standards continued...				
Section 60.05.20 Circulation and Parking Design Standards.				
Connections to Public Street System				
60.05.20.1	No changes are proposed to street improvements / connections as approved for Allen Estates.	N/A	60.05.40.1	N/A
Loading areas, solid waste facilities and similar improvements				
60.05.20.2.A through E	No trash bins proposed. Individual can service per unit. Standard conditions of approval require utility vaults and transformers to be screened and refuse enclosure gates to be sight obscuring. Trash for Lot 1 (with no garage) will need to be screened.	Yes- with COA	60.05.40.2.A	N/A
Pedestrian Circulation				
60.05.20.3.C-F	As described in Facilities Review findings, the applicant is required to finish sidewalk construction with unit construction, a minimum of 5 feet wide.	Yes- with COA	60.05.40.3.A- E	N/A
Street Frontages and Parking Areas				
60.05.20.4.A.1&2	The applicant does not propose parking areas abutting public streets.	N/A	60.05.40.4	N/A
Parking Area Landscaping				
60.05.20.5.A-D	Parking lot not proposed as part of this application	N/A	60.05.40.5	N/A
Off-Street Parking frontages in Multiple-Use Districts				
60.05.20.6.A&B	Parking lot not proposed as part of this application	N/A	60.05.40.6.A	N/A

Standards continued...				
Sidewalks along streets and primary building entrances				
60.05.20.7.A&B	Mixed use not proposed.	N/A	60.05.40.7.A	N/A
Connect on-site buildings, parking, other with streets & drive aisles				
60.05.20.8.A&B	No parking lot is proposed.	N/A	60.05.40.8.A&B	N/A
Section 60.05.25 Landscape, Open Space, and Natural Areas Design Standards				
Minimum Common Open Space Requirements.				
60.05.25.3. A through J	The applicant's Design Review response (p. 36) does not identify a % of landscape. Standard Minimum for Residential zone is 15%. Applicant identifies	N/A as subdivision is recorded - all improvements in place. However, Habitat plan will create two open space lots.	60.05.45.1.A-D	N/A
60.05.25.4.A A through F	Standards describe front yard landscaping and minimum planting requirements. Applicant's proposal show increase in total landscaping by 2,602 square feet. Applicant states landscaping is same as prior approved landscape plan for Allen Estates.	N/A as subdivision is recorded – all improvements in place. However, Habitat plan does not diminish planting as approved	60.05.45.1.A-D	N/A
Standards applicable to detached in Multiple Use zone (Common Greens and Shared Court)				
60.05.25.6 & 7	Subject property is not located in a Multiple Use zone and is not detached single-family.	N/A	60.05.45.5	N/A
Retaining Walls				
60.05.25.8	No retaining walls are proposed.	N/A	60.05.45.6	N/A

Standards continued...				
Fences and Walls				
60.05.25.9.	According to applicant, wood (cedar) fences are proposed to the perimeter but not to front yards. Wood acceptable under standard.	Yes	60.05.45.7.A&B	N/A
Minimize changes to surface contours at residential property lines				
60.05.25.10	Site is fully graded – finished. No change to existing finished grade is proposed.	N/A	60.05.45.8	N/A
Integrate water quality, quantity, or both facilities				
60.05.25.11	The applicant does not propose any new aboveground non-vaulted stormwater facilities.	N/A	60.05.25.8	N/A
Natural Areas				
60.05.25.12	The subject site does not include any natural areas.	N/A	60.05.45.9.A&B	N/A
Landscape Buffering Requirements				
60.05.25.13	Development of the property does not require landscape buffering. Applicant states no special buffering is proposed.	N/A	60.05.45.10	N/A
Section 60.05.30 Lighting Design Standards				
Adequate on-site lighting and minimize glare on adjoining properties				
60.05.30.1.A	No change is proposed to existing street lighting (now in place). Standard refers to compliance with City Technical Lighting Standards.	N/A	60.05.50.1,3&4	N/A
60.05.30.1.B	Standard refers to lighting for vehicle circulation and pedestrian areas. Applicant's plan will utilize existing street lights and add wall-mounted lights to illuminate open space	Yes	60.05.50.1,3&4	N/A

	areas intended for Lots 5 and 21. Screening / Specifications of all lights			
60.05.30.1.C	A pedestrian plaza area is not proposed.	N/A	60.05.50.1&3	N/A
60.05.30.1.D	Lighting is proposed at all building entrances.	Yes	60.05.50.1,3&4	N/A
Pedestrian-scale on-site lighting				
60.05.30.2.A	Pole mounted luminaires are not proposed and were not identified as part of past Allen Estates approval.	N/A	60.05.50.1-4	N/A
60.05.30.2.B	The only non-pole-mounted lights are wall-mounted lights, which will comply with the technical standards.	Yes	60.05.50.1-4	N/A
60.05.30.2.C	Bollard luminaires are not proposed and were not identified as part of past Allen Estates approval.	N/A	60.05.50.1-4	N/A

SUMMARY OF FINDINGS: For the reasons identified above, staff find that the Design Review Two approval is supported within the approval criteria findings, noted above, for Chapter 40, Section 20.15.2.C of the Development Code.

The Facilities Review Committee met on July 3, 2013, and identified conditions necessary to meet the technical requirements identified in Section 40.03 of the Development Code. Based on the facts and findings presented and by meeting the conditions of approval the proposal **DR2013-0043 (Allen Estates Townhomes by Habitat for Humanity)** meets the criteria.

RECOMMENDATION:

Based on the facts and findings presented, staff recommends **approval** of **DR2013-0043 (Allen Estates Townhomes by Habitat for Humanity)**, subject to the applicable conditions identified in Attachment C.

CONDITIONS OF APPROVAL
Allen Estates Townhomes by Habitat for Humanity
DR2013-0043

No Site Development permit is required.

A. Prior to Building Permit issuance, the applicant shall:

1. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)
2. Pay a storm water system development charge (overall system conveyance) for each ESU (equivalent surface unit). (Site Development Div./JJD)
3. Provide an evaluation with photographs of the immediate downstream storm structures and water quality treatment pond to determine a pre-existing, baseline condition. Should erosion control best management practices not be effectively used and maintained after building permit issuance, it can be determined what, if any impact, the proposed construction has had on the existing plants and treatment functioning. (Site Development Div./JJD)
4. Provide a draft of the revised Covenants, Conditions and Restrictions (CC&R) document prepared for Allen Estates Townhomes by Habitat for Humanity. The draft CC&R document is to be approved by the City Attorney prior to recording. The approved CC&R document is to specify maintenance obligations of the Homeowners Association and individual property owners. Lots 5 and 21, intended for private open space, are to be owned and maintained by the Homeowners Association. (Planning/SW)
5. Demonstrate compliance with Conditions 22 and 23 of Design Review Order No. 1884 issued for City Case File DR2005-0109, Allen Estates, referring to the recording of Covenants, Conditions and Restrictions, Joint Access and Maintenance Agreements and/or Plat Restrictions, and a "Fee Simple" Rowhouse architectural features (structural). (Building /BR)
6. Incorporate to the construction drawings submitted to the City for Building Permit, plan details that show a sidewalk frontage improvement along all lots, including lots intended for open space. (Planning/SW)
7. Demonstrate compliance with the City off-street parking standards applicable for all lots. Where Construction on Lot 1 is limited to one off-street parking space, the approved floor plan for Lot 1 shall be limited to one bedroom. The building plan for Lot 1 shall also include a modified screen plan for the trash enclosure thereby ensuring view of the trash and recycling receptacles are fully screened – at angle from the street. (Planning/SW)

8. Provide evidence of a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 PSI residual pressure. (JF / TVF&R)
9. Ensure construction plans are consistent with the submitted plans for DR2013-0043, including the approved Site Plan (Sheet AS1) Exhibit A, the approval Landscape Plan (Sheet AS2) Exhibit B, the approved lighting plan (Sheet AS6) Exhibit C, and the approved Architectural Building Elevations (Sheets A1 through A8) Exhibit D. (Planning/SW)

B. During building construction, the applicant shall:

10. Demonstrate compliance with Conditions 2 through 10 of Order No. 1885 issued for City Case File TP2005-0023, Allen Estates, referring to tree protection during construction and mitigation as necessary. (Planning/SW)

C. Prior to occupancy of any building permit, the applicant shall:

11. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are missing, damaged, deteriorated, or removed by construction along the house frontage. (Site Development Div./JJD)
12. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. Final inspections shall be withheld until erosion control issues and any construction impact to the downstream surface water facility have been corrected and resolved to the satisfaction of the Public Works Director. (Site Development Div./JJD)
13. Demonstrate compliance with Conditions 41 through 52 of Design Review Order No. 1884 issued for City Case File DR2005-0109, Allen Estates, referring to standard Design Review conditions. (Planning/SW)